

**REMARKS**

Claims 1-3, 5, 8, 11-26, 28-29, 34-39, 41, 43, 45, 47-62, 64-68 and 70-78 are pending in this application. Claims 34-35 have been canceled without prejudice, and claims 1, 19, 21-22, 24, 37, 55, 57-58, 60, 74-75 and 77-78 have been amended by the present Amendment. Amended claims 1, 19, 21-22, 24, 37, 55, 57-58, 60, 74-75 and 77-78 do not introduce any new subject matter.

**REJECTIONS UNDER 35 U.S.C. § 112**

Reconsideration is respectfully requested of the rejection of claims 1-3, 5, 8, 11-23, 37-39, 41, 43, 45, 47-59, and 75-78 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claims 1 and 37 to recite that the second electrode is electrically connected to the first electrode in the window “along a periphery of the window”, and claim 75 to recite a second electrode provided on a portion of the first electrode “along a periphery of and within a window” formed in the second insulating layer.

Applicants have also amended claim 75 to recite “a first insulating layer formed on the first substrate including the thin film transistor, a first electrode formed on the first insulating layer, a second insulating layer formed on the first substrate including the thin film transistor, the first insulating layer . . . and the first electrode[, and] a second electrode provided on the second insulating layer and on a portion of the first electrode along a periphery of and within a window formed in the second insulating layer, wherein

a predetermined portion of the second electrode in the window is removed for exposing a predetermined portion of the first electrode”.

With respect to claim 75, referring to Figs. 10, 11A and 11B, for example, a first electrode 150 is formed on the first insulating layer 140, a second insulating layer 160 is formed on the first insulating layer . . . and the first electrode, and a second electrode 170 is provided on the second insulating layer and on a portion of the first electrode along a periphery of and within a window formed in the second insulating layer, wherein a predetermined portion of the second electrode in the window is removed for exposing a predetermined portion of the first electrode. See, e.g., Applicants’ Disclosure, Figs. 10, 11A-11B.

Therefore, Applicant respectfully requests that the Examiner’s indefiniteness rejections under 35 U.S.C. § 112 be withdrawn.

#### **REJECTIONS UNDER 35 U.S.C. § 102**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Reconsideration is respectfully requested of the rejection of claims 1-3, 11-12, 15, 23, 37-39, 45, 47-48, 51, 59, 67, 68, 71 and 72 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2003/0067570 (“Okamoto”). Applicants respectfully submit that amended claims 1 and 37 and the claims dependent thereon

are not anticipated by Okamoto.

Applicants respectfully submit that Okamoto does not disclose the limitations of amended claims 1 and 37, especially a color filter layer formed on the second substrate, wherein the color filter layer is continuously formed throughout a first region corresponding to the window and throughout a second region not corresponding to the window. For example, referring to Figs. 5, and 10-12 of Applicants' disclosure, a color filter layer 220 is continuously formed throughout reflection and transmission regions R, T.

In contrast, Okamoto discloses color filters 61R, 61G and 61B that are separated from each other. See Okamoto ¶ [0449]. Further, Okamoto states that the reflection display section 9 can not attain sufficient brightness if it uses the color filters 61R, 61G and 61B entirely, and the brightness is compensated by providing therein a portion where the color filters are not used. See Okamoto ¶ [0455]. Okamoto also states that in the case of the reflection-main transfective type LCD, in the transmission display section 10, either the color filters 61R, 61G and 61B are not provided or are provided partially. See Okamoto ¶ [0477]. Accordingly, Okamoto fails to teach or suggest a color filter layer 220 continuously formed throughout a first region corresponding to the window and throughout a second region not corresponding to the window, as recited in claims 1 and 37.

Therefore, Applicants respectfully submit that independent claims 1 and 37 are not anticipated by Okamoto.

Also, claims 2-3, 11-12, 15, 23 and 67-68 and claims 38-39, 45, 47-48, 51, 59 and 71-72 respectively depend from claims 1 and 37, which, for the reasons stated

hereinabove, are submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 2-3, 11-12, 15, 23 and 67-68 and claims 38-39, 45, 47-48, 51, 59 and 71-72 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-3, 11-12, 15, 23, 37-39, 45, 47-48, 51, 59, 67, 68, 71 and 72 under 35 U.S.C. § 102(e).

### **REJECTIONS UNDER 35 U.S.C. § 103(a)**

#### **Claims Dependent On Claims 1 and 37**

Reconsideration is respectfully requested of the rejection of claims 5, 19-22, 41, and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over Okamoto in view of U.S. Patent No. 6,847,426 ("Fujimori").

Reconsideration is also respectfully requested of the rejection of claims 8, 13, 14, 17, 18, 43, 49, 50, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over Okamoto in view of U.S. Patent No. 6,295,109 ("Kubo").

Reconsideration is also respectfully requested of the rejection of claims 16 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Okamoto in view of U.S. Patent Application Pub. No. 2003/0071944 ("Baek").

As argued above, Applicants respectfully submit that Okamoto does not expressly or inherently disclose a color filter layer formed on the second substrate, wherein the color filter layer is continuously formed throughout a first region corresponding to the window and throughout a second region not corresponding to the window, as recited in independent claims 1 and 37.

Applicants also respectfully submit that Okamoto teaches away from the claimed

configuration such that there is no motivation to modify Okamoto to develop same. Accordingly, it would not have been obvious to develop the claimed continuous color filter layer.

M.P.E.P. Section 2141.02 states that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” M.P.E.P. § 2141.02 (Rev. Oct. 2005) (citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

As explained above, Okamoto states that the reflection display section 9 can not attain sufficient brightness if it uses the color filters 61R, 61G and 61B entirely, and the brightness is compensated by providing therein a portion where the color filters are not used. See Okamoto ¶ [0455]. Okamoto also states that in the case of the reflection-main transfective type LCD, in the transmission display section 10, either the color filters 61R, 61G and 61B are not provided or are provided partially. See Okamoto ¶ [0477]. Accordingly, Okamoto teaches away from a color filter layer that is continuously formed throughout a first region corresponding to the window and throughout a second region not corresponding to the window. Indeed, Okamoto explicitly requires that the reflection display section or the transmission display section do not include color filters or only partially include color filters so as to obtain sufficient display characteristics.

As such, one of ordinary skill in the art would not be motivated to modify Okamoto to develop the embodiments of claims 1 and 37.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the recited features of claims 1 and 37,

and that it would not have been obvious to modify Okamoto, in view of Fujimori, Kubo or Baek, to develop same.

As such, Applicants respectfully submit that claims 1 and 37 are patentable over Okamoto in view of Fujimori, Kubo or Baek. For at least the reason that claims 5, 8, 13, 14, and 16-22 depend from claim 1 and claims 41, 43, 49, 50 and 52-58 depend from claim 37, claims 5, 8, 13, 14, 16-22, 41, 43, 49, 50 and 52-58 are also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejections of claims 5, 8, 13, 14, 16-22, 41, 43, 49, 50 and 52-58 under 35 U.S.C. §103(a).

Claims 24, 60 And 75 And The Claims Dependent Thereon

Reconsideration is respectfully requested of the rejection of claims 24-26, 28, 29, 34, 35, 60-62, 64, 65, 70, 73 and 74 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Fujimori.

Reconsideration is also respectfully requested of the rejection of claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Fujimori, as applied to claim 24, and further in view of Kubo.

Reconsideration is also respectfully requested of the rejection of claim 66 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Fujimori, as applied to claim 65, and further in view of Baek.

Reconsideration is also respectfully requested of the rejection of claim 75, 77 and 78 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Okamoto.

Reconsideration is also respectfully requested of the rejection of claim 76 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Okamoto, as applied to

claim 75, and further in view of Baek.

Applicants respectfully submit that Ha, when taken alone or in combination with Fujimori, Okamoto, Kubo and/or Baek does not disclose the limitations of amended claims 24, 60 and 75, especially, a first insulating layer formed on the first substrate including the thin film transistor, a first electrode formed on the first insulating layer, a contact hole formed in the first insulating layer, wherein the first electrode is electrically connected to the thin film transistor through the contact hole, a second insulating layer formed on the first substrate including the thin film transistor, the first insulating layer, the contact hole, and the first electrode, and a second electrode provided on the second insulating layer and on a portion of the first electrode, wherein the second insulating layer insulates the second electrode from the contact hole. Further, it would not have been obvious to modify Ha in view of the cited references to develop same.

Referring to Figs. 10, 11A and 11B, for example, a first electrode 150 is formed on the first insulating layer 140, a contact hole 145 is formed in the first insulating layer 140, a second insulating layer 160 is formed on the first insulating layer, the first electrode and the contact hole, and a second electrode 170 is provided on the second insulating layer, wherein the second insulating layer 160 insulates the second electrode 170 from the contact hole 145, such that the second electrode is not connected to the first electrode via the contact hole. See, e.g., Applicants' Disclosure, Figs. 10, 11A-11B.

In contrast to the claimed embodiments, Ha discloses a contact hole 153 that includes electrodes 119a, 166a and 168a in contact with each other. See Ha, Fig. 7F. However, the claimed second electrode 170 is insulated from the contact hole 145 by the second insulating layer 160. Accordingly, unlike Ha, there is no connection between

the first electrode 150 and the second electrode 170 via contact hole 145.

Moreover, Applicants respectfully submit that neither Fujimori, Kubo, Baek nor Okamoto cure the deficiency in Ha.

Therefore, Applicants respectfully submit that independent claims 24, 60 and 75 are patentable over Ha in view of Fujimori, Kubo, Baek and/or Okamoto.

Also, claims 25-26, 28, 29, 36 and 70 depend from claim 24, claims 61-62, 64, 65, 66 and 73-74 depend from claim 60, and claims 76-78 depend from claim 75, which, for the reasons stated hereinabove, are submitted to be patentable over the cited references, claims 34-35 having been canceled. For at least those very same reasons, claims 25-26, 28, 29, 36 and 70, claims 61-62, 64, 65, 66 and 73-74, and claims 76-78 are also submitted to be patentable over the cited references.

Therefore, Applicants respectfully request that the Examiner withdraw the rejections of claims 24-26, 28, 29, 34, 35, 36, 60-62, 64, 65, 66, 70, and 73-78 under 35 U.S.C. § 103(a).



An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner telephone may Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Morano", written over a horizontal line.

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